



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

August 11, 2020

VIA EMAIL

Hilary Budny, Vice President, Matrix Development Group.
Matrix Realty, LLC
CN 4000, Forsgate Dr.
Cranbury, New Jersey 08512
hbudny@matrixcompanies.com

Re: **Request for Information**
Docket No. CWA-IR-20-017
Matrix Realty- New York City Property
Property Tax Map Section/Block 1780, Lot 112 and 95 and Surrounding Property on and adjacent to Chelsea Road and River Road (between Edward Curry Ave. and Bloomfield Ave.) Staten Island, NY

Dear Ms. Budny:

The purpose of this Request for Information (“RFI”) letter is to require you to submit information to the U.S. Environmental Protection Agency (“EPA”) regarding the above-referenced properties located off of Chelsea Road and River Road between Edward Curry Ave. and Bloomfield Ave. in Staten Island, New York.

In January 2020, Matrix Realty submitted a Preliminary Jurisdictional Delineation (“PJD”) Form to the U.S. Army Corps of Engineers related to Wetlands under the Clean Water Act (CWA) Section 404 and New York State Department of Environmental Conservation (NYSDEC) jurisdiction for property owned by New York City along Chelsea Road and River Road in Staten Island, New York (see attached). The PJD includes a map of the proposed, approximately two acres, Matrix Realty Site denoted by a yellow dotted boundary line (“the Site”).



Internet Address (URL) <http://www.epa.gov>

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Construction activities that disturb one or more acres, or that are part of a common plan of development that is one acre or greater, require coverage under the New York State Department of Environmental Conservation (“NYSDEC”) General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002 or previous permits) (“Construction General Permit,” “CGP” or “Permit”). Appendix A of the CGP defines construction activities as any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. See the following NYSDEC website for additional information: <https://www.dec.ny.gov/chemical/43133.html>.

Section 308(a) of the CWA, 33 U.S.C. §1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. §1311, the EPA shall require the submission of any information reasonably necessary to make such a determination.

REQUEST FOR INFORMATION

You are hereby required, pursuant to Section 308(a) of the CWA, 33 U.S.C. §1318(a), to submit the following documents and/or requested information regarding the Site:

1. Within **thirty (30) calendar days of receipt of this RFI**, submit the following pertaining to the Site:
 - a. A copy of the Notice of Intent (“NOI”) to obtain CGP coverage and Stormwater Pollution Prevention Plan (“SWPPP”) for the construction activities proposed in the PJD. If you do not have a final NOI, submit a proposed schedule for submittal of an NOI and development of a SWPPP for the project proposed in the PJD, if appropriate.
 - b. A copy of any and all wetland delineation reports of the Site;
 - c. A copy of any and all wetlands inspection reports of the Site;
 - d. Any and all documentation that describes the Site’s hydraulic/hydrologic connectivity to waterbodies, including Saw Mill Creek and the Arthur Kill. Provide the methodology utilized for such studies, along with the storm frequency/duration evaluated (e.g., for storms up to and including the 100-year 24-hour storm); and
 - e. Submit the name(s) of any and all government entities (including local, city, state or federal agencies) that you, or someone acting on your behalf, has communicated with regarding your construction activities at the Site, including the personnel contact(s) at such agencies. This includes any agency that has granted approval or preliminary approval to conduct construction activities, conduct a PJD, and potentially fill wetlands at the Site.

CERTIFICATION

Any documents to be submitted as part of this RFI shall be signed by an authorized representative of the respective entity (see 40 C.F.R. §122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my

direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All information required to be submitted pursuant to this RFI shall be sent by email or its equivalent to the following address:

Justine Modigliani, P.E., Chief
Clean Water Act Compliance Section
Water Compliance Branch
Enforcement and Compliance Assurance Division
290 Broadway, 21st Floor
New York, NY 10007
Modigliani.Justine@epa.gov
(212) 637-4268

Should you have any questions regarding this request, feel free to have your staff contact Justine Modigliani, P.E., Chief, Clean Water Act Compliance Section, at (212) 637-4268.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DMcKenna', with a long horizontal flourish extending to the right.

Douglas McKenna, Chief
Water Compliance Branch
Enforcement and Compliance Assurance Division

Enclosures
Preliminary JD January 2020

cc: Ed Hampston, P.E., Director, Bureau of Water Compliance Programs, NYSDEC